

108TH CONGRESS  
1ST SESSION

# S. 195

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## AN ACT

To amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Underground Storage  
5       Tank Compliance Act of 2003”.

1 **SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.**

2 Section 9004 of the Solid Waste Disposal Act (42  
3 U.S.C. 6991c) is amended by adding at the end the fol-  
4 lowing:

5 “(f) TRUST FUND DISTRIBUTION.—

6 “(1) IN GENERAL.—

7 “(A) AMOUNT AND PERMITTED USES OF  
8 DISTRIBUTION.—The Administrator shall dis-  
9 tribute to States not less than 80 percent of the  
10 funds from the Trust Fund that are made  
11 available to the Administrator under section  
12 9014(2)(A) for each fiscal year for use in pay-  
13 ing the reasonable costs, incurred under a coop-  
14 erative agreement with any State, of—

15 “(i) actions taken by the State under  
16 section 9003(h)(7)(A);

17 “(ii) necessary administrative ex-  
18 penses, as determined by the Adminis-  
19 trator, that are directly related to correc-  
20 tive action and compensation programs  
21 under subsection (c)(1);

22 “(iii) any corrective action and com-  
23 pensation program carried out under sub-  
24 section (c)(1) for a release from an under-  
25 ground storage tank regulated under this  
26 subtitle to the extent that, as determined

by the State in accordance with guidelines developed jointly by the Administrator and the State, the financial resources of the owner or operator of the underground storage tank (including resources provided by a program in accordance with subsection (c)(1)) are not adequate to pay the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business;

“(iv) enforcement by the State or a local government of State or local regulations pertaining to underground storage tanks regulated under this subtitle; or

“(v) State or local corrective actions carried out under regulations promulgated under section 9003(c)(4).

“(B) USE OF FUNDS FOR ENFORCEMENT.—In addition to the uses of funds authorized under subparagraph (A), the Administrator may use funds from the Trust Fund that are not distributed to States under subparagraph (A) for enforcement of any regulation promulgated by the Administrator under this subtitle.

“(C) PROHIBITED USES.—Except as provided in subparagraph (A)(iii), under any similar requirement of a State program approved under this section, or in any similar State or local provision as determined by the Administrator, funds provided to a State by the Administrator under subparagraph (A) shall not be used by the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks under part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

“(2) ALLOCATION.—

“(A) PROCESS.—Subject to subparagraph (B), in the case of a State with which the Administrator has entered into a cooperative agreement under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator.

“(B) REVISIONS TO PROCESS.—The Administrator may revise the allocation process referred to in subparagraph (A) with respect to a State only after—

1 “(i) consulting with—

2 “(I) State agencies responsible  
3 for overseeing corrective action for re-  
4 leases from underground storage  
5 tanks;

6 “(II) owners; and

7 “(III) operators; and

8 “(ii) taking into consideration, at a  
9 minimum—

10 “(I) the total tax revenue con-  
11 tributed to the Trust Fund from all  
12 sources within the State;

13 “(II) the number of confirmed  
14 releases from federally regulated un-  
15 derground storage tanks in the State;

16 “(III) the number of federally  
17 regulated underground storage tanks  
18 in the State;

19 “(IV) the percentage of the popu-  
20 lation of the State that uses ground-  
21 water for any beneficial purpose;

22 “(V) the performance of the  
23 State in implementing and enforcing  
24 the program;

1 “(VI) the financial needs of the  
2 State; and

3 “(VII) the ability of the State to  
4 use the funds referred to in subpara-  
5 graph (A) in any year.

6 “(3) DISTRIBUTIONS TO STATE AGENCIES.—  
7 Distributions from the Trust Fund under this sub-  
8 section shall be made directly to a State agency  
9 that—

10 “(A) enters into a cooperative agreement  
11 referred to in paragraph (2)(A); or

12 “(B) is enforcing a State program ap-  
13 proved under this section.

14 “(4) COST RECOVERY PROHIBITION.—Funds  
15 from the Trust Fund provided by States to owners  
16 or operators under paragraph (1)(A)(iii) shall not be  
17 subject to cost recovery by the Administrator under  
18 section 9003(h)(6).”.

19 **SEC. 3. INSPECTION OF UNDERGROUND STORAGE TANKS.**

20 Section 9005 of the Solid Waste Disposal Act (42  
21 U.S.C. 6991d) is amended—

22 (1) by redesignating subsections (a) and (b) as  
23 subsections (b) and (c), respectively; and

24 (2) by inserting before subsection (b) (as redes-  
25 ignated by paragraph (1)) the following:

1       “(a) INSPECTION REQUIREMENTS.—Not later than 2  
 2 years after the date of enactment of the Underground  
 3 Storage Tank Compliance Act of 2003, and at least once  
 4 every 2 years thereafter, the Administrator or a State with  
 5 a program approved under section 9004, as appropriate,  
 6 shall require that all underground storage tanks regulated  
 7 under this subtitle undergo onsite inspections for compli-  
 8 ance with regulations promulgated under section  
 9 9003(c).”.

10 **SEC. 4. OPERATOR TRAINING.**

11       Subtitle I of the Solid Waste Disposal Act (42 U.S.C.  
 12 6991 et seq.) is amended by striking section 9010 and  
 13 inserting the following:

14 **“SEC. 9010. OPERATOR TRAINING.**

15       “(a) GUIDELINES.—

16           “(1) IN GENERAL.—Not later than 2 years  
 17 after the date of enactment of the Underground  
 18 Storage Tank Compliance Act of 2003, in coopera-  
 19 tion with States, owners, and operators, the Admin-  
 20 istrator shall publish in the Federal Register, after  
 21 public notice and opportunity for comment, guide-  
 22 lines that specify methods for training operators of  
 23 underground storage tanks.

24           “(2) CONSIDERATIONS.—The guidelines de-  
 25 scribed in paragraph (1) shall take into account—

1           “(A) State training programs in existence  
2           as of the date of publication of the guidelines;

3           “(B) training programs that are being em-  
4           ployed by owners and operators as of the date  
5           of enactment of this paragraph;

6           “(C) the high turnover rate of operators;

7           “(D) the frequency of improvement in un-  
8           derground storage tank equipment technology;

9           “(E) the nature of the businesses in which  
10          the operators are engaged; and

11          “(F) such other factors as the Adminis-  
12          trator determines to be necessary to carry out  
13          this section.

14          “(b) STATE PROGRAMS.—

15           “(1) IN GENERAL.—Not later than 2 years  
16          after the date on which the Administrator publishes  
17          the guidelines under subsection (a)(1), each State  
18          shall develop and implement a strategy for the train-  
19          ing of operators of underground storage tanks that  
20          is consistent with paragraph (2).

21           “(2) REQUIREMENTS.—A State strategy de-  
22          scribed in paragraph (1) shall—

23           “(A) be consistent with subsection (a);

24           “(B) be developed in cooperation with own-  
25          ers and operators; and



1           “(C) take into consideration training pro-  
 2           grams implemented by owners and operators as  
 3           of the date of enactment of this subsection.

4           “(3) FINANCIAL INCENTIVE.—The Adminis-  
 5           trator may award to a State that develops and im-  
 6           plements a strategy described in paragraph (1), in  
 7           addition to any funds that the State is entitled to  
 8           receive under this subtitle, not more than \$50,000,  
 9           to be used to carry out the strategy.”.

10 **SEC. 5. REMEDIATION OF MTBE CONTAMINATION.**

11           Section 9003(h) of the Solid Waste Disposal Act (42  
 12 U.S.C. 6991b(h)) is amended—

13           (1) in paragraph (7)(A)—

14                   (A) by striking “paragraphs (1) and (2) of  
 15                   this subsection” and inserting “paragraphs (1),  
 16                   (2), and (12)”;

17                   (B) by striking “, and including the au-  
 18                   thorities of paragraphs (4), (6), and (8) of this  
 19                   subsection” and inserting “and the authority  
 20                   under sections 9005(a) and 9011 and para-  
 21                   graphs (4), (6), and (8),”; and

22           (2) by adding at the end the following:

23           “(12) REMEDIATION OF MTBE CONTAMINA-  
 24           TION.—

“(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9014(2)(B) to carry out corrective actions with respect to a release of methyl tertiary butyl ether that presents a threat to human health or welfare or the environment.

“(B) APPLICABLE AUTHORITY.—The Administrator or a State shall carry out subparagraph (A)—

“(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under subparagraph (A) shall not be required to be from an underground storage tank; and

“(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).”.

**SEC. 6. RELEASE PREVENTION, COMPLIANCE, AND ENFORCEMENT.**

(a) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 4) is amended by adding at the end the following:

1 **“SEC. 9011. USE OF FUNDS FOR RELEASE PREVENTION AND**  
 2 **COMPLIANCE.**

3 “Funds made available under section 9014(2)(D)  
 4 from the Trust Fund may be used to conduct inspections,  
 5 issue orders, or bring actions under this subtitle—

6 “(1) by a State, in accordance with a grant or  
 7 cooperative agreement with the Administrator, of  
 8 State regulations pertaining to underground storage  
 9 tanks regulated under this subtitle; and

10 “(2) by the Administrator, under this subtitle  
 11 (including under a State program approved under  
 12 section 9004).”.

13 (b) GOVERNMENT-OWNED TANKS.—Section 9003 of  
 14 the Solid Waste Disposal Act (42 U.S.C. 6991b) is amend-  
 15 ed by adding at the end the following:

16 “(i) GOVERNMENT-OWNED TANKS.—

17 “(1) IMPLEMENTATION REPORT.—

18 “(A) IN GENERAL.—Not later than 2 years  
 19 after the date of enactment of this subsection,  
 20 each State shall submit to the Administrator an  
 21 implementation report that—

22 “(i) lists each underground storage  
 23 tank described in subparagraph (B) in the  
 24 State that, as of the date of submission of  
 25 the report, is not in compliance with this  
 26 subtitle; and

1 “(ii) describes the actions that have  
 2 been and will be taken to ensure compli-  
 3 ance by the underground storage tank list-  
 4 ed under clause (i) with this subtitle.

5 “(B) UNDERGROUND STORAGE TANK.—An  
 6 underground storage tank described in this sub-  
 7 paragraph is an underground storage tank that  
 8 is—

9 “(i) regulated under this subtitle; and

10 “(ii) owned or operated by the State  
 11 government or any local government.

12 “(C) PUBLIC AVAILABILITY.—The Admin-  
 13 istrator shall make each report received under  
 14 subparagraph (A) available to the public on the  
 15 Internet.

16 “(2) FINANCIAL INCENTIVE.—The Adminis-  
 17 trator may award to a State that develops an imple-  
 18 mentation report described in paragraph (1), in ad-  
 19 dition to any funds that the State is entitled to re-  
 20 ceive under this subtitle, not more than \$50,000, to  
 21 be used to carry out the implementation report.

22 “(3) NOT A SAFE HARBOR.—This subsection  
 23 does not relieve any person from any obligation or  
 24 requirement under this subtitle.”.

1 (c) INCENTIVES FOR PERFORMANCE.—Section 9006  
 2 of the Solid Waste Disposal Act (42 U.S.C. 6991e) is  
 3 amended by adding at the end the following:

4 “(e) INCENTIVES FOR PERFORMANCE.—In deter-  
 5 mining the terms of a compliance order under subsection  
 6 (a), or the amount of a civil penalty under subsection (d),  
 7 the Administrator, or a State under a program approved  
 8 under section 9004, may take into consideration whether  
 9 an owner or operator—

10 “(1) has a history of operating underground  
 11 storage tanks of the owner or operator in accordance  
 12 with—

13 “(A) this subtitle; or

14 “(B) a State program approved under sec-  
 15 tion 9004;

16 “(2) has repeatedly violated—

17 “(A) this subtitle; or

18 “(B) a State program approved under sec-  
 19 tion 9004; or

20 “(3) has implemented a program, consistent  
 21 with guidelines published under section 9010, that  
 22 provides training to persons responsible for oper-  
 23 ating any underground storage tank of the owner or  
 24 operator.”.

1 (d) AUTHORITY TO PROHIBIT CERTAIN DELIV-  
 2 ERIES.—Section 9006 of the Solid Waste Disposal Act (42  
 3 U.S.C. 6991e) (as amended by subsection (c)) is amended  
 4 by adding at the end the following:

5 “(f) AUTHORITY TO PROHIBIT CERTAIN DELIV-  
 6 ERIES.—

7 “(1) IN GENERAL.—Subject to paragraph (2),  
 8 beginning 180 days after the date of enactment of  
 9 this subsection, the Administrator or a State may  
 10 prohibit the delivery of regulated substances to un-  
 11 derground storage tanks that are not in compliance  
 12 with—

13 “(A) a requirement or standard promul-  
 14 gated by the Administrator under section 9003;  
 15 or

16 “(B) a requirement or standard of a State  
 17 program approved under section 9004.

18 “(2) LIMITATIONS.—

19 “(A) SPECIFIED GEOGRAPHIC AREAS.—  
 20 Subject to subparagraph (B), under paragraph  
 21 (1), the Administrator or a State shall not pro-  
 22 hibit a delivery if the prohibition would jeop-  
 23 ardize the availability of, or access to, fuel in  
 24 any specified geographic area.

1 “(B) APPLICABILITY OF LIMITATION.—

2 The limitation under subparagraph (A) shall  
 3 apply only during the 180-day period following  
 4 the date of a determination by the Adminis-  
 5 trator that exercising the authority of para-  
 6 graph (1) is limited by subparagraph (A).

7 “(C) GUIDELINES.—Not later than 18  
 8 months after the date of enactment of this sub-  
 9 section, the Administrator shall issue guidelines  
 10 that define the term ‘specified geographic area’  
 11 for the purpose of subparagraph (A).

12 “(3) AUTHORITY TO ISSUE GUIDELINES.—Sub-  
 13 ject to paragraph (2)(C), the Administrator, after  
 14 consultation with States, may issue guidelines for  
 15 carrying out this subsection.

16 “(4) ENFORCEMENT, COMPLIANCE, AND PEN-  
 17 ALTIES.—The Administrator may use the authority  
 18 under the enforcement, compliance, or penalty provi-  
 19 sions of this subtitle to carry out this subsection.

20 “(5) EFFECT ON STATE AUTHORITY.—Nothing  
 21 in this subsection affects the authority of a State to  
 22 prohibit the delivery of a regulated substance to an  
 23 underground storage tank.”.

1 (e) PUBLIC RECORD.—Section 9002 of the Solid  
 2 Waste Disposal Act (42 U.S.C. 6991a) is amended by add-  
 3 ing at the end the following:

4 “(d) PUBLIC RECORD.—

5 “(1) IN GENERAL.—The Administrator shall re-  
 6 quire each State and Indian tribe that receives Fed-  
 7 eral funds to carry out this subtitle to maintain, up-  
 8 date at least annually, and make available to the  
 9 public, in such manner and form as the Adminis-  
 10 trator shall prescribe (after consultation with States  
 11 and Indian tribes), a record of underground storage  
 12 tanks regulated under this subtitle.

13 “(2) CONSIDERATIONS.—To the maximum ex-  
 14 tent practicable, the public record of a State or In-  
 15 dian tribe, respectively, shall include, for each  
 16 year—

17 “(A) the number, sources, and causes of  
 18 underground storage tank releases in the State  
 19 or tribal area;

20 “(B) the record of compliance by under-  
 21 ground storage tanks in the State or tribal area  
 22 with—

23 “(i) this subtitle; or

24 “(ii) an applicable State program ap-  
 25 proved under section 9004; and



1 “(C) data on the number of underground  
 2 storage tank equipment failures in the State or  
 3 tribal area.

4 “(3) AVAILABILITY.—The Administrator shall  
 5 make the public record of each State and Indian  
 6 tribe under this section available to the public elec-  
 7 tronically.”.

8 **SEC. 7. FEDERAL FACILITIES.**

9 Section 9007 of the Solid Waste Disposal Act (42  
 10 U.S.C. 6991f) is amended—

11 (1) by striking subsection (a) and inserting the  
 12 following:

13 “(a) APPLICABILITY OF SUBTITLE.—

14 “(1) IN GENERAL.—Section 6001(a) shall apply  
 15 to each department, agency, and instrumentality in  
 16 the executive, legislative, or judicial branch of the  
 17 Federal Government having jurisdiction over—

18 “(A) any underground storage tank or un-  
 19 derground storage tank system (as defined in  
 20 section 280.12 of title 40, Code of Federal Reg-  
 21 ulations (or any successor regulation)); or

22 “(B) any release response activity relating  
 23 to an underground storage tank or underground  
 24 storage tank system.

1           “(2) REQUIREMENTS.—For purposes of this  
 2           section, requirements respecting the control and  
 3           abatement of solid waste or hazardous waste dis-  
 4           posal and management referred to in section  
 5           6001(a) include requirements respecting—

6                   “(A) control, installation, operation, man-  
 7                   agement, or closure of any underground storage  
 8                   tank or underground storage tank system con-  
 9                   taining any regulated substance; and

10                   “(B) release response activities relating to  
 11                   an activity described in subparagraph (A).”;  
 12                   and

13           (2) by adding at the end the following:

14           “(c) REVIEW OF, AND REPORT ON, FEDERAL UN-  
 15           DERGROUND STORAGE TANKS.—

16                   “(1) REVIEW.—Not later than 1 year after the  
 17                   date of enactment of this subsection, the Adminis-  
 18                   trator, in cooperation with each Federal agency that  
 19                   owns or operates 1 or more underground storage  
 20                   tanks or that manages land on which 1 or more un-  
 21                   derground storage tanks are located, shall review the  
 22                   status of compliance of those underground storage  
 23                   tanks with this subtitle.

24                   “(2) IMPLEMENTATION REPORT.—

1           “(A) IN GENERAL.—Not later than 2 years  
2           after the date of enactment of this subsection,  
3           each Federal agency described in paragraph (1)  
4           shall submit to the Administrator and to each  
5           State in which an underground storage tank de-  
6           scribed in paragraph (1) is located an imple-  
7           mentation report that—

8                   “(i) lists each underground storage  
9                   tank described in paragraph (1) that, as of  
10                  the date of submission of the report, is not  
11                  in compliance with this subtitle; and

12                  “(ii) describes the actions that have  
13                  been and will be taken to ensure compli-  
14                  ance by the underground storage tank with  
15                  this subtitle.

16           “(B) PUBLIC AVAILABILITY.—The Admin-  
17           istrator shall make each report received under  
18           subparagraph (A) available to the public on the  
19           Internet.

20           “(3) NOT A SAFE HARBOR.—This subsection  
21           does not relieve any person from any obligation or  
22           requirement under this subtitle.”.

1 **SEC. 8. TANKS UNDER THE JURISDICTION OF INDIAN**  
 2 **TRIBES.**

3 Subtitle I of the Solid Waste Disposal Act (42 U.S.C.  
 4 6991 et seq.) (as amended by section 6(a)) is amended  
 5 by adding at the end the following:

6 **“SEC. 9012. TANKS UNDER THE JURISDICTION OF INDIAN**  
 7 **TRIBES.**

8 “(a) IN GENERAL.—The Administrator, in coordina-  
 9 tion with Indian tribes, shall—

10 “(1) not later than 1 year after the date of en-  
 11 actment of this section, develop and implement a  
 12 strategy—

13 “(A) giving priority to releases that  
 14 present the greatest threat to human health or  
 15 the environment, to take necessary corrective  
 16 action in response to releases from leaking un-  
 17 derground storage tanks located wholly within  
 18 the boundaries of—

19 “(i) an Indian reservation; or

20 “(ii) any other area under the juris-  
 21 diction of an Indian tribe; and

22 “(B) to implement and enforce require-  
 23 ments concerning underground storage tanks  
 24 located wholly within the boundaries of—

25 “(i) an Indian reservation; or

1                   “(ii) any other area under the juris-  
2                   diction of an Indian tribe;

3                   “(2) not later than 2 years after the date of en-  
4                   actment of this section and every 2 years thereafter,  
5                   submit to Congress a report that summarizes the  
6                   status of implementation and enforcement of the un-  
7                   derground storage tank program in areas located  
8                   wholly within—

9                   “(A) the boundaries of Indian reservations;  
10                  and

11                  “(B) any other areas under the jurisdiction  
12                  of an Indian tribe; and

13                  “(3) make the report described in paragraph  
14                  (2) available to the public on the Internet.

15                  “(b) NOT A SAFE HARBOR.—This section does not  
16                  relieve any person from any obligation or requirement  
17                  under this subtitle.

18                  “(c) STATE AUTHORITY.—Nothing in this section ap-  
19                  plies to any underground storage tank that is located in  
20                  an area under the jurisdiction of a State, or that is subject  
21                  to regulation by a State, as of the date of enactment of  
22                  this section.”.

1 **SEC. 9. STATE AUTHORITY.**

2 Subtitle I of the Solid Waste Disposal Act (42 U.S.C.  
3 6991 et seq.) (as amended by section 8) is amended by  
4 adding at the end the following:

5 **“SEC. 9013. STATE AUTHORITY.**

6 “Nothing in this subtitle precludes a State from es-  
7 tablishing any requirement that is more stringent than a  
8 requirement under this subtitle.”.

9 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

10 Subtitle I of the Solid Waste Disposal Act (42 U.S.C.  
11 6991 et seq.) (as amended by section 9) is amended by  
12 adding at the end the following:

13 **“SEC. 9014. AUTHORIZATION OF APPROPRIATIONS.**

14 “There are authorized to be appropriated to the  
15 Administrator—

16 “(1) to carry out subtitle I (except sections  
17 9003(h), 9005(a), and 9011) \$25,000,000 for each  
18 of fiscal years 2004 through 2008; and

19 “(2) from the Trust Fund, notwithstanding sec-  
20 tion 9508(c)(1) of the Internal Revenue Code of  
21 1986—

22 “(A) to carry out section 9003(h) (except  
23 section 9003(h)(12)) \$150,000,000 for each of  
24 fiscal years 2004 through 2008;

1 “(B) to carry out section 9003(h)(12),  
 2 \$125,000,000 for each of fiscal years 2004  
 3 through 2008;

4 “(C) to carry out section 9005(a)—

5 “(i) \$35,000,000 for each of fiscal  
 6 years 2004 and 2005; and

7 “(ii) \$20,000,000 for each of fiscal  
 8 years 2006 through 2009; and

9 “(D) to carry out section 9011—

10 “(i) \$50,000,000 for fiscal year 2004;

11 and

12 “(ii) \$30,000,000 for each of fiscal  
 13 years 2005 through 2009.”.

14 **SEC. 11. CONFORMING AMENDMENTS.**

15 (a) DEFINITIONS.—Section 9001 of the Solid Waste  
 16 Disposal Act (42 U.S.C. 6991) is amended—

17 (1) by striking “For the purposes of this sub-  
 18 title—” and inserting “In this subtitle:”;

19 (2) by redesignating paragraphs (1), (2), (3),  
 20 (4), (5), (6), (7), and (8) as paragraphs (10), (7),  
 21 (4), (3), (8), (5), (2), and (6), respectively, and reor-  
 22 dering the paragraphs so as to appear in numerical  
 23 order;

24 (3) by inserting before paragraph (2) (as redes-  
 25 ignated by paragraph (2)) the following:

1 “(1) INDIAN TRIBE.—

2 “(A) IN GENERAL.—The term ‘Indian  
3 tribe’ means any Indian tribe, band, nation, or  
4 other organized group or community that is rec-  
5 ognized as being eligible for special programs  
6 and services provided by the United States to  
7 Indians because of their status as Indians.

8 “(B) INCLUSIONS.—The term ‘Indian  
9 tribe’ includes an Alaska Native village, as de-  
10 fined in or established under the Alaska Native  
11 Claims Settlement Act (43 U.S.C. 1601 et  
12 seq.).”; and

13 (4) by inserting after paragraph (8) (as redesign-  
14 nated by paragraph (2)) the following:

15 “(9) TRUST FUND.—The term ‘Trust Fund’  
16 means the Leaking Underground Storage Tank  
17 Trust Fund established by section 9508 of the Inter-  
18 nal Revenue Code of 1986.”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) Section 1001 of the Solid Waste Disposal  
21 Act (42 U.S.C. prec. 6901) is amended in the table  
22 of contents—

23 (A) in the item relating to section 9002, by  
24 inserting “and public records” after “Notifica-  
25 tion”; and



1 (B) by striking the item relating to section  
 2 9010 and inserting the following:

“Sec. 9010. Operator training.

“Sec. 9011. Use of funds for release prevention and compliance.

“Sec. 9012. Tanks under the jurisdiction of Indian tribes.

“Sec. 9013. State authority.

“Sec. 9014. Authorization of appropriations.”.

3 (2) Section 9002 of the Solid Waste Disposal  
 4 Act (42 U.S.C. 6991a) is amended in the section  
 5 heading by inserting “AND PUBLIC RECORDS” after  
 6 “NOTIFICATION”.

7 (3) Section 9003(f) of the Solid Waste Disposal  
 8 Act (42 U.S.C. 6991b(f)) is amended—

9 (A) in paragraph (1), by striking  
 10 “9001(2)(B)” and inserting “9001(7)(B)”; and  
 11 (B) in paragraphs (2) and (3), by striking  
 12 “9001(2)(A)” each place it appears and insert-  
 13 ing “9001(7)(A)”.

14 (4) Section 9003(h) of the Solid Waste Dis-  
 15 posal Act (42 U.S.C. 6991b(h)) is amended in para-  
 16 graphs (1), (2)(C), (7)(A), and (11) by striking  
 17 “Leaking Underground Storage Tank Trust Fund”  
 18 each place it appears and inserting “Trust Fund”.

19 (5) Section 9009 of the Solid Waste Disposal  
 20 Act (42 U.S.C. 6991h) is amended—

21 (A) in subsection (a), by striking  
 22 “9001(2)(B)” and inserting “9001(7)(B)”; and

1 (B) in subsection (d), by striking “section  
 2 9001(1) (A) and (B)” and inserting “subpara-  
 3 graphs (A) and (B) of section 9001(10)”.

4 **SEC. 12. TECHNICAL AMENDMENTS.**

5 (a) Section 9001(4)(A) of the Solid Waste Disposal  
 6 Act (42 U.S.C. 6991(4)(A)) (as amended by section  
 7 11(a)(2)) is amended by striking “sustances” and insert-  
 8 ing “substances”.

9 (b) Section 9003(f)(1) of the Solid Waste Disposal  
 10 Act (42 U.S.C. 6991b(f)(1)) is amended by striking “sub-  
 11 section (c) and (d) of this section” and inserting “sub-  
 12 sections (c) and (d)”.

13 (c) Section 9004(a) of the Solid Waste Disposal Act  
 14 (42 U.S.C. 6991c(a)) is amended by striking “in 9001(2)  
 15 (A) or (B) or both” and inserting “in subparagraph (A)  
 16 or (B) of section 9001(7)”.

17 (d) Section 9005 of the Solid Waste Disposal Act (42  
 18 U.S.C. 6991d) (as amended by section 3) is amended—

19 (1) in subsection (b), by striking “study tak-  
 20 ing” and inserting “study, taking”;

21 (2) in subsection (c)(1), by striking “relevent”  
 22 and inserting “relevant”; and

- 1           (3)    in    subsection   (c)(4),   by   striking  
2    “Evironmental” and inserting “Environmental”.

Passed the Senate May 1, 2003.

Attest:

*Secretary.*

108TH CONGRESS  
1ST SESSION

# **S. 195**

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## **AN ACT**

To amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes.